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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,087	11/20/2000	Akira Ishida	P101201-00009	7871

7590 04/21/2005

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EXAMINER
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IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/715,087	Applicant(s) ISHIDA, AKIRA	
	Examiner Khawar Iqbal	Art Unit 2686	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 11-13 and 15-17.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

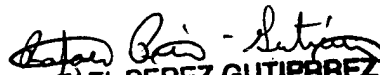
#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 3-10-05 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Akihiro et al teaches (claims limitations very clearly) the base station received the signal from a wireless terminal, and it has the process which chooses whether it transmits with the Omni beam and which beam of a narrow beam. This level is received, when a base station measures beforehand the sending-signal level (RSSI<sub>mes</sub>) of wireless terminal 11A (step S30, fig. 6) and call origination occurs (step S31). The level comparison with the threshold (RSSI<sub>th</sub>) established beforehand is performed (step S32), and it is a threshold RSSI<sub>th</sub>. If it becomes above, allocation processing of the Omni beam will be performed (step S33), and it is a threshold RSSI<sub>th</sub>. If it becomes below, allocation processing of a narrow beam will be performed (step S34). The probability for the Omni beam (fig. 1) to be assigned by this to wireless terminal 11A which exists in 1 or about 2 base station becomes high, and, on the other hand, a narrow beam (fig. 1) comes to be assigned to wireless terminal 11A which exists in a base station 1 and two distant places (para. 0064-0069 and 0038 and 0043). A base station 2 presumes the passing speed of wireless terminal 11A, when call origination occurs (step S31) (step S51), and it is presumed passing speed V<sub>th</sub>. V<sub>mes</sub> Threshold V<sub>th</sub> It compares (step S52) and is presumed passing speed. V<sub>mes</sub> Threshold V<sub>th</sub> If it is the following, the Omni beam allocation will be performed (step S33), and it is a threshold. If it is the following, narrow beam allocation will be performed (step S34). By this procedure, the Omni beam is assigned to a low-speed migration terminal, and a narrow beam comes to be assigned to a high-speed migration terminal. About the approach of passing speed presumption, that what is necessary is just to presume by carrying out [ observe / for example, / the period to which receiving level falls according to a circuit condition ], it cannot restrict in that case but various approaches can be used. As mentioned above, in the gestalt of this operation, the Omni beam or narrow beam allocation is performed by introducing a passing speed detection function (step S51) according to presumed passing speed. In addition, beam allocation (fig. 8) may be performed by wireless terminal 11A. Namely, when wireless terminal 11A has a narrow beam formation function, according to the algorithm shown in fig. 8, the wireless terminal 11A side is also made to perform the Omni beam / narrow beam generation at the time of call origination (para. 0064-0069 and 0038 and 0043).

  
RAFAEL PEREZ-GUTIERREZ  
PATENT EXAMINER  
4/16/05